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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/865,344	05/25/2001	Thomas M. Eden	A33998	4261

5514 7590 03/15/2006

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EXAMINER	
OUELLETTE, JONATHAN P	
ART UNIT	**PAPER NUMBER**
3629	

DATE MAILED: 03/15/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/865,344	EDEN ET AL.	
	Examiner	Art Unit	
	Jonathan Ouellette	3629	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on 5/25/2001.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) 1-62 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) 1-62 is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date 20050726.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

   The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. **Claims 24-27 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.**

3. Claim 24-27 recites the limitation that a range of steps from claim 22 should be performed by digital electronic apparatus. However, Claim 22 expressed the ability of the user to select one of the steps (a)-(f). Therefore, the claims should read: "at least one of the additional steps (a)-(f)," to reflect all the possible selections by the user. For instance, a user could select step (f) in claim 22 (at least one of the additional steps), which would not be covered in the range provided in claim 24 (a-c).

4. Furthermore, for claim 27, the user would not have to complete all of steps (a)-(f) (proceeding through the steps), if the user selected only one step in Claim 22.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

   A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. **Claims 1, 41, and 51 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Department of Labor (www.dol.gov, Working Partners for an Alcohol- and Drug-Free Work Place, Retrieved from the Internet Archive Wayback Machine <www.archive.org>, Date Range: 1/28/1999-4/24/1999).**

7. As per **independent Claims 1 and 41**, U.S. Department of Labor discloses a method for implementing a drug free workplace policy at an entity site (human entity population – equivalent to workplace employees), said method comprising the steps of: (i) establishing a drug free workplace policy (pgs.7-8); (ii) selecting and training a designated employer representative (Train the Trainer – Material Provided, pgs. 20-21); (iii) training employees as to said drug free workplace policy (pgs.7-9); (iv) training supervisory personnel of the employer as to legal guidelines for drug testing of employees (pgs.7-8); (v) selecting a collection center for collection of a test sample; and (pg.10), (vi) selecting a testing laboratory for introduction of said test sample into a drug test assay (pg.10), wherein digital electronic apparatus is employed in at least two of steps (i) through (vi) of said method (pgs.11-12 and 20-21, Videos/VHS provided for training purposes).

8. As per **independent Claim 51**, DOL discloses a method for controlling employer costs associated with possible employee drug usage, comprising the steps of: (i) identifying at least one employee drug use policy-related cost *selected from* (a) productivity loss; (b) insurance risk; (c) regulatory risk; (d) litigation costs (general analysis and review of statistics, pgs.2-4); and (ii) formulating an employer drug free workplace program

seeking reduction of at least said cost (pgs.7-8), wherein said program is implemented in stepwise, electronic-media-assisted (Training Videotapes/VHS, pg.20), high-security fashion (employee confidentiality maintained), and wherein historical data documenting said program implementation is maintained (program records/documentation maintained by management, pg.8).

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

10. **Claims 2-27, 45, and 46 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Department of Labor (USDOL) in view of eScreen ("eScreen, Inc. Introduces MyeScreen.com, a web-based Reporting Solution for the Drug-Testing Industry," Business Wire, May 14, 2001).**

11. As per Claim 2, USDOL fails to disclose wherein said digital electronic apparatus comprises at least one computer-processing unit.

12. eScreen discloses a computer-based management system for storing , analyzing and reporting drug-testing results (MyeScreen information retrieval, pg.1).

13. Furthermore, It was known at the time of the invention that merely providing an automatic means to replace a manual activity which accomplishes the same result is not

sufficient to distinguish over the prior art, *In re Venner*, 262 F.2d 91, 95, 120 USPQ 193, 194 (CCPA 1958). For example, simply automating the step of storing (database) and managing drug-free workplace training materials and policies gives you just what you would expect from the manual step as shown in USDOL. In other words there is no enhancement found in the claimed step. The end result is the same as compared to the manual method. A computer can simply iterate the steps faster. The result is the same.

14. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included wherein said digital electronic apparatus comprises at least one computer processing unit, as disclosed by eScreen in the system disclosed by USDOL, for the advantage of providing a method for implementing a drug free workplace policy at an entity site, with the ability to in effectiveness and efficiency of the system by automating the method steps with computer technology, which is a purely known and an expected result from automation of what is known in the art.

15. As per Claim 3, USDOL and eScreen disclose wherein said method employs at least a first and a second computer processing unit and a communications link between said first and second processing units (eScreen drug testing system, pg.1).

16. As per Claim 4, USDOL and eScreen disclose wherein said communications link comprises a secure link (eScreen: pg.1).

17. As per Claim 5, USDOL and eScreen disclose wherein said secure link is selected from the group consisting of a secure dedicated land line, a secure intranet link, a secure wireless link, and a secure encrypted internet link (eScreen: pg.1, encrypted).

18. As per Claim 6, USDOL and eScreen disclose wherein said method employs two automated computer-processing units interconnected as part of a data network (eScreen: pg.1, equivalent technology).

19. As per Claim 7, USDOL and eScreen disclose auditing through digital electronic apparatus in a manner effective to create a digital record of the instructions issued from a user at said computer processing unit during a working session comprising one or more of said steps (eScreen: pg.1, management records).

20. As per Claim 8, USDOL and eScreen disclose authenticating through digital electronic apparatus that said record reflects processing of instructions sufficient for substantial completion of each step of the method, wherein said authenticating process comprises comparing an actual user activity to a model user activity and finding that both of said activities are substantially the same (automation of USDOL process).

21. As per Claim 9, USDOL and eScreen disclose wherein said actual user activity so compared comprises a user action time and said model user activity so compared comprises a model user action time (automation of USDOL process).

22. As per Claim 10, USDOL and eScreen disclose wherein said actual user activity so compared comprises a user database accession activity sequence and said model user activity so compared comprises a model user database accession activity sequence (automation of USDOL process).

23. As per Claim 11, USDOL and eScreen disclose certifying through digital electronic apparatus that said at least one step has been substantially completed by a process of

determining that said audit process and said authenticating process are substantially complete (eScreen: pg.1, data management).

24. As per Claim 12, USDOL and eScreen disclose wherein said step for training supervisory personnel comprises one or more digital training materials for teaching both of (a) risks associated with a possible employee legal challenge to an allegedly-unfair drug test and (b) a proposed legal defense for an employer to assert as a fairness rationale for a drug testing program (USDOL: pgs.7-9).

25. As per Claim 13, USDOL and eScreen disclose the additional steps of: randomly selecting through digital electronic means an employee for a drug test, collecting a test specimen at said selected collection center, transmitting said test specimen to said selected test laboratory, conducting a diagnostic assay and digitizing the resultant data thereof, communicating said digitized test result on said communications link to one or more of said computer processing units, and securing the integrity of said communication of said test result data (eScreen drug testing system, pg.1).

26. As per Claim 14, USDOL and eScreen disclose wherein said integrity-securing step comprises communicating said test result data in a manner effective to prevent one or more of: (a) data corruption; (b) tampering; (c) unauthorized access; and (d) non-confidential disclosure (eScreen drug testing system, pg.1).

27. As per Claim 15, USDOL and eScreen disclose wherein said integrity-securing step is implemented at least in part by at least one automated computer security routine (eScreen: pg.1).

28. As per Claim 16, USDOL and eScreen disclose wherein said integrity-securing step comprises two or more partially redundant computer security routines (eScreen: pg.1).
29. As per Claim 17, USDOL and eScreen disclose wherein said partially redundant computer security routines include at least one firewall (eScreen: pg.1).
30. As per Claim 18, USDOL and eScreen disclose wherein said computer security routines include at least one high-level data encryption step (eScreen: pg.1).
31. As per Claim 19, USDOL and eScreen disclose wherein said method is implemented at least in part over a distributed data network (eScreen: pg.1).
32. As per Claim 20, USDOL and eScreen disclose wherein said distributed data network comprises at least one of an Internet connection, an intranet, or a website (eScreen: pg.1).
33. As per Claim 21, USDOL and eScreen disclose wherein each of ordinal steps (i) through (vi) is substantially completed before the successive ordinal step is begun (eScreen: pg.1).
34. As per Claim 22, USDOL and eScreen disclose *at least one of the additional steps of*: (A) selecting a medical review officer; (B) selecting a substance abuse professional; (C) conducting an auction to select at least one service from the group of services consisting of: a collection site service, a test laboratory service, a medical review officer service, a medical substance abuse professional service, and a legal substance abuse professional service; (D) conducting a consultation between the designated employer representative and a medical review officer; (E) conducting a consultation between the designated employer representative and the substance abuse professional; and *(F) conducting an adverse action review* (USDOL: employee assistance, pgs.9-10).

35. As per Claim 23, *USDOL and eScreen* disclose wherein said at least one additional step comprises an automated computer processing step and wherein the drug test assay is performed to yield drug test results.

36. As per Claim 24-27 as understood by the Examiner, USDOL and *eScreen* disclose wherein at least one of the additional steps (A)-(F) are performed by digital electronic apparatus (automation of USDOT method steps; Claims 24 and 25 would not have to be covered if the user did not select a step in the range disclosed).

37. As per Claim 45, USDOL fails to expressly disclose wherein said data transmission step comprises at least in part transmission over a distributed computer network.

38. eScreen discloses a computer-based management system for transmitting, storing, analyzing, and reporting drug-testing results (pg.1).

39. Furthermore, It was known at the time of the invention that merely providing an automatic means to replace a manual activity which accomplishes the same result is not sufficient to distinguish over the prior art, *In re Venner*, 262 F.2d 91, 95, 120 USPQ 193, 194 (CCPA 1958). For example, simply automating the step of transmitting drug testing information gives you just what you would expect from the manual step as shown in USDOL (mail or courier). In other words there is no enhancement found in the claimed step. The end result is the same as compared to the manual method. A computer can simply iterate the steps faster. The result is the same.

40. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included wherein said data transmission step comprises at least in part transmission over a distributed computer network, as disclosed by eScreen in

the system disclosed by USDOL, for the advantage of providing a method for implementing a drug free workplace policy at an entity site, with the ability to in effectiveness and efficiency of the system by automating the method steps with computer technology, which is a purely known and an expected result from automation of what is known in the art.

41. As per Claim 46, USDOL and eScreen discloses wherein said entity population comprises employees of an organization (USDOL: pgs.7-8), and said designated representative comprises a designated employer representative (USDOL: Trainer).

42. **Claims 28-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over eScreen in view of Official Notice.**

43. As per **independent Claim 28**, eScreen discloses an adaptable computer-implemented system for implementing an employer's drug use policy, comprising: at least one computer memory; a system administrator interface through which a system administrator may substantially instantaneously request updating of information in a first database relative *to at least one of* (a) current employer drug use policies; (b) drug use policy training materials for employees and supervisors; (c) legal standards for acceptable employer drug use policies; (d) insurance standards for employer drug use policies; (e) preferred providers for services relating to drug use policies; *and (f) secured input and output data for individual employee drug test assay results (MyeScreen.com, pg.1)*; a user interface with which a user can issue a request for access to information in a second database related to the employer drug policy and stored in a computer memory linked to said user interface (user interface necessary to access

website); a central master control processor for processing said user request for access (pg.1, website links user to lab information).

44. eScreen fails to expressly disclose an information validator operational at said central master control processor to refuse user access to said second database if said second database contains substantially unreliable information; and a redirector operational at said central master control processor for redirecting the user access request to a database deemed to contain more reliable information when said second database is deemed to contain substantially unreliable information.

45. However, Official Notice is given that a back-up database, or Parallel data management (two databases with same information) was a well-known method of data security/integrity at the time the invention was made. It has been well known to one of ordinary skill in the art since databases were formed and data started to be tracked electronically, that electronic equipment, electronic data in particular is susceptible to electronic failure, corruption, or other error; and therefore, data owners/users should take precautions (back-up data) in case these situations should occur. Furthermore, it would have been obvious to switch to the back-up data if the primary data source was found to be corrupted or lost.

46. As per Claim 29, eScreen discloses wherein said first and second databases share at least some common information.

47. As per Claim 30, eScreen discloses a security module (secure website).

48. As per Claim 31, eScreen discloses wherein said security module comprises at least one of a firewall and a high-level encrypter/decrypter (pg.1).

49. As per Claim 32, eScreen discloses at least one output device for access to information from at least one of said databases (server inherent to website).

50. As per Claim 33, eScreen discloses at least one electronic data communications link for remote processing of requests relating to at least one of said databases (link inherent to website).

51. As per Claim 34, eScreen discloses wherein said data communication link comprises a user connection over at least one of (i) the Internet; (ii) an intranet; or (iii) a website (pg.1).

52. **Claims 35-40 are rejected under 35 U.S.C. 103(a) as being unpatentable over DeLancey (DeLancey, Marci M., "Creating a successful drug-free workplace program." Employment Relations Today, v22, n2, p53, Summer 1995) in view of eScreen.**

53. As per **independent Claim 35**, DeLancey discloses a method for implementing an entity drug free workplace policy comprising the steps of: (a) formulating the drug free workplace policy; (b) identifying and storing in a first database processing instructions and digital data relating to a method for at least one of: (i) training a designated employee representative; (ii) training an employee as to the drug free workplace policy; (iii) training a supervisor as to an employee activity not in compliance with the drug free workplace policy; (iv) selecting one or more collection center service providers to collect an employee sample for a drug; (v) selecting one or more laboratory test service providers to analyze said employee sample for said drug; (vi) selecting one or more

service providers to review an employee drug test result; (c) selecting randomly at least one employee from among a plurality of employees for a drug use test; .

54. DeLancey fails to expressly disclose automated method steps for managing the training information, nor does DeLancey disclose automated method steps of (d) collecting a test specimen from said random-selected employee, digitally encoding the identity of the employee, and submitting said digitally identified test specimen for drug testing; (e) determining a value for a drug analyte in said digitally identified test specimen; (f) storing said identity of said employee and said digital drug analyte value in a secured second database; and, (g) providing secured access to said second database only to designated delegates of said entity.

55. However, It was known at the time of the invention that merely providing an automatic means to replace a manual activity which accomplishes the same result is not sufficient to distinguish over the prior art, *In re Venner*, 262 F.2d 91, 95, 120 USPQ 193, 194 (CCPA 1958). For example, simply automating the step of storing (database) and managing drug-free workplace training materials and policies, gives you just what you would expect from the manual step as shown in DeLancey. In other words there is no enhancement found in the claimed step. The end result is the same as compared to the manual method. A computer can simply iterate the steps faster. The result is the same.

56. Furthermore, eScreen discloses the automated method of (d) collecting a test specimen from said random-selected employee, digitally encoding the identity of the employee, and submitting said digitally identified test specimen for drug testing; (e) determining a value for a drug analyte in said digitally identified test specimen; (f) storing said identity of

said employee and said digital drug analyte value in a secured second database; and, (g) providing secured access to said second database only to designated delegates of said entity.

57. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included (d) collecting a test specimen from said random-selected employee, digitally encoding the identity of the employee, and submitting said digitally identified test specimen for drug testing; (e) determining a value for a drug analyte in said digitally identified test specimen; (f) storing said identity of said employee and said digital drug analyte value in a secured second database; and, (g) providing secured access to said second database only to designated delegates of said entity, as disclosed by eScreen in the system disclosed by DeLancey, for the advantage of providing a method for implementing a drug free workplace policy at an entity site, with the ability to in effectiveness and efficiency of the system by automating the method steps with computer technology, and by including the entire drug-free program from training to test result management in one contained system.

58. As per Claim 36, DeLancey and eScreen disclose monitoring said drug free workplace policy by auditing, authenticating and certifying completion of steps (a) through (g) (Training Program review and updating).

59. As per Claim 37, DeLancey and eScreen disclose confirming said drug free workplace status of said entity by auditing, authenticating and certifying completion of steps (a) through (g).

60. As per Claim 38, DeLancey and eScreen disclose the step of: (h) providing said designated employee representative with a remote access to said processing instructions and said data stored in said first database (eScreen website – MyeScreen).

61. As per Claim 39, DeLancey and eScreen disclose the step of: (i) providing said reviewing service provider with a remote access to said digital employee identity and said digital drug analyte value stored in said second database (eScreen website – MyeScreen).

62. As per Claim 40, DeLancey and eScreen disclose the step of: (j) providing said designated employee representative with a remote access to said reviewing service provider (eScreen website – MyeScreen).

63. **Claims 42-44, 47-50, and 52-62 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Department of Labor (USDOL).**

64. As per Claim 42, while USDOL discloses training supervisory personnel of the entity as to legal guidelines for drug testing of employees, USDOL fails to expressly disclose wherein said step is implemented at least in part by computer processing, and wherein said step is performed substantially after step (ii) and before step (iii).

65. However, it was known at the time of the invention that merely providing an automatic means to replace a manual activity which accomplishes the same result is not sufficient to distinguish over the prior art, *In re Venner*, 262 F.2d 91, 95, 120 USPQ 193, 194 (CCPA 1958). For example, simply automating the step of storing (database) and managing drug-free workplace training materials and policies gives you just what you would expect from the manual step as shown in USDOL. In other words there is no enhancement found in

the claimed step. The end result is the same as compared to the manual method. A computer can simply iterate the steps faster. The result is the same.

66. As per Claim 43, USDOL discloses wherein completion of each of said steps are audited, authenticated (Automation of program monitoring and updating).

67. As per Claim 44, USDOL discloses data handling and transmission of a drug test assay result to a reviewer in a secure manner, wherein said data handling and transmission steps both include a high level of security (Test information transferred to testing facility in a way as to maintain user confidentiality).

68. As per **independent Claim 47**, the **U.S. Department of Labor** discloses a method for implementing a drug free workplace program comprising the steps of: (i) providing at least one training module for providing instruction an employer drug use policy (pgs.13-23); and (ii) providing at least one implementation module for processing instructions and data relative to employee compliance with said drug use policy (Supervisor training on program implementation, pg.8).

69. USDOL fails to expressly disclose automated method steps for managing and providing training materials.

70. However, it was known at the time of the invention that merely providing an automatic means to replace a manual activity which accomplishes the same result is not sufficient to distinguish over the prior art, *In re Venner*, 262 F.2d 91, 95, 120 USPQ 193, 194 (CCPA 1958). For example, simply automating the step of storing (database) and managing drug-free workplace training materials and policies gives you just what you would expect from the manual step as shown in USDOL. In other words there is no enhancement found in

the claimed step. The end result is the same as compared to the manual method. A computer can simply iterate the steps faster. The result is the same.

71. As per Claim 48, USDOL discloses wherein said training and implementation modules each individually comprise more than two constituent modules.

72. As per Claim 49, USDOL discloses the steps of recording and storing in a session log a user action relating to execution of a processing instruction in both of said modules (maintaining program records).

73. As per Claim 50, USDOL discloses the step of auditing the stored recorded data in said session logs to verify a substantial compliance with a drug free workplace program, wherein said compliance comprises meeting both a minimum defined requirement for training and a minimum defined requirement for implementation of a drug free workplace policy (comparing training program to US government regulations/suggestion).

74. As per Claims 52-56, USDOL fails to expressly disclose automated method steps for managing and providing training materials.

75. However, it was known at the time of the invention that merely providing an automatic means to replace a manual activity which accomplishes the same result is not sufficient to distinguish over the prior art, *In re Venner*, 262 F.2d 91, 95, 120 USPQ 193, 194 (CCPA 1958). For example, simply automating the step of storing (database) and managing drug-free workplace training materials and policies gives you just what you would expect from the manual step as shown in USDOL. In other words there is no enhancement found in the claimed step. The end result is the same as compared to the manual method. A computer can simply iterate the steps faster. The result is the same.

76. As per **independent Claim 57**, USDOL discloses a method for implementing a drug free workplace policy at an entity site, said method comprising the steps of both: (i) establishing a drug free workplace policy (pg.7-8); and, (ii) training a designated employer representative (Train the Trainer materials provided, pgs.20-21).

77. USDOL fails to expressly disclose automated method steps for managing and providing training materials.

78. However, it was known at the time of the invention that merely providing an automatic means to replace a manual activity which accomplishes the same result is not sufficient to distinguish over the prior art, *In re Venner*, 262 F.2d 91, 95, 120 USPQ 193, 194 (CCPA 1958). For example, simply automating the step of storing (database) and managing drug-free workplace training materials and policies gives you just what you would expect from the manual step as shown in USDOL. In other words there is no enhancement found in the claimed step. The end result is the same as compared to the manual method. A computer can simply iterate the steps faster. The result is the same.

79. As per Claim 58, USDOL discloses training employees of the entity as to said drug free workplace policy (pg.7-9).

80. As per Claim 59, USDOL discloses the step of training supervisory personnel of the entity as to legal guidelines for drug testing of employees (pg.7-8).

81. As per Claim 60, USDOL discloses the step of selecting a collection center for collection of a test sample from at least one employee of the entity (pg.10).

82. As per Claim 61, USDOL discloses the step of selecting a testing laboratory for introduction of said test sample into a drug test assay (pg.10).

83. As per Claim 62, USDOL discloses the step of introducing said test sample into the drug test assay at said testing laboratory, conducting the drug test assay to obtain test results (Drug Testing, pg.10), and taking further action responsive to a report of said test result for the employee if said test result indicates the presence in said test sample of a substance prohibited by said policy (Providing employee assistance, pg.9).

Conclusion

84. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

85. The following U.S. patent are cited to further show the best domestically patented prior art found by the examiner:

U.S. Pat. No. 6,653,139 to Braun et al.

Braun discloses an automated on-site drug testing system for compiling workplace drug prevention program information.

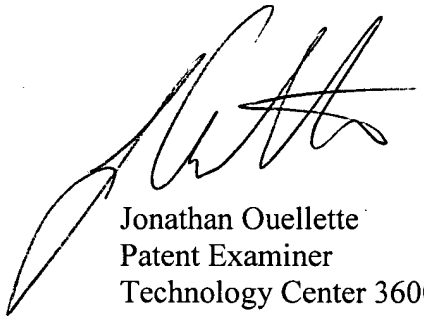
86. Additional Literature has been referenced on the attached PTO-892 form, and the Examiner suggests the applicant review these documents before submitting any amendments.

87. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jonathan Ouellette whose telephone number is (571) 272-6807. The examiner can normally be reached on Monday through Thursday, 8am - 5:00pm.

88. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on (571) 272-6812. The fax phone numbers for the organization where this application or proceeding is assigned (571) 273-8300 for all official communications.

89. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Office of Initial Patent Examination whose telephone number is (703) 308-1202.

jo
March 6, 2006



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